

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MARLON SISNERO-GIL,

Defendant.

No. 15-cr-605-4 (RJS)

MARLON SISNERO-GIL,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

No. 23-cv-3833 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a motion from Petitioner, which the Court construes as a request to amend his 28 U.S.C. § 2255 petition to incorporate arguments regarding “prejudice caused by [his] trial counsel[’s]” allegedly ineffective assistance in connection with Petitioner’s guilty plea and sentencing. (Dkt. No. 23-cv-3833, Doc. No. 2.) Under Federal Rule of Civil Procedure 15(a), amendments to pleadings are allowed with a court’s leave, and “the court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a). Here, Petitioner is proceeding pro se, and “a pro se litigant should be afforded every reasonable opportunity to demonstrate that he has a valid claim[.]” *Satchell v. Dilworth*, 745 F.2d 781, 785 (2d Cir. 1984), particularly since there are “stringent limits on a prisoner’s ability to bring a second or successive application for a writ of habeas corpus under . . . [section] 2255.” *Adams v. United States*, 155 F.3d 582, 583 (2d Cir. 1998).

Accordingly, IT IS HEREBY ORDERED THAT Petitioner's request to file an amended petition by June 14, 2023 is GRANTED. IT IS FURTHER ORDERED THAT the government shall respond to the original and amended petitions no later than July 14, 2023.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Marlon Sisnero-Gil, BOP ID # 72229-054, at LSCI Allenwood, 2 US-15, Allenwood, PA 17810 (or such other BOP institution to which Sisnero-Gil has been transferred).

SO ORDERED.

Dated: May 17, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation